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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,315	09/01/2000	Robert S. Chau	42390.P4222D2	5699

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EXAMINER

TRAN, THIEN F

ART UNIT

PAPER NUMBER

2811

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/654,315

Applicant(s)

CHAU ET AL.

Examiner

Thien Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13,14. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-31, 33, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chau et al. (USPN 5,710,450 of record) in view of Fulford et al. (USPN 5,793,089 of record).

Chau et al. discloses a semiconductor device (Fig. 3F) comprising a silicon gate electrode 306 formed on a gate dielectric 302 formed on a substrate surface, the silicon gate electrode having a first thickness; a gate silicon germanium film 314 formed on the silicon gate electrode, the gate silicon germanium film having a second thickness; a gate silicide layer 320 formed on the gate silicon germanium film, the gate silicide layer having a third thickness; a pair of sidewall spacers (310, 318) on opposite sides of the silicon gate electrode; a pair of source and drain regions 319 formed on opposite sides of said silicon gate electrode, said source and drain regions having a silicon germanium film 314 formed beneath said substrate surface. Chau et al. does not disclose the pair of sidewall spacers having a height above the third thickness of the gate silicide layer. Fulford et al. discloses a semiconductor device (Fig. 18) comprising sidewall spacers 132 on opposite sides of the gate electrode having a height extending farther above a top surface of the gate silicide layer 136. It would have been obvious to a person

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having ordinary skill in the art at the time the invention was made to modify Chau et al. structure by forming the height of the pair of sidewall spacers (310, 318) extending farther above a top surface of the gate silicide layer 320 as taught by Fulford et al. in order to prevent the bridging problems between the gate silicide layer on the gate electrode and a silicide layer on the source and drain regions. As a result, the height of the sidewall spacers of Chau et al. is above the third thickness of the gate silicide layer. Chau et al. in view of Fulford et al. does not specifically disclose the height of the sidewall spacers being at least 200 angstroms above the third thickness of the gate silicide layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the height of sidewall spacers being at least 200 angstroms above the third thickness of the gate silicide layer, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233. In re Daily, 93 USPQ 47 (CCPA 1966), the court held that changes in size and shape of parts of an invention in the absence of an unexpected result involves routine skill in the art. Additionally, In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. It is evident that the combined teachings of Chau and Fulford references teaches the height of the sidewall

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spacers being above the third thickness of the gate silicide layer. It would have been common sense to form the sidewall spacers as high as possible including the height of the spacers of at least 200 angstroms above the third thickness of the gate silicide layer in the claims so that the spacers can better prevent the bridging problems between the gate silicide layer on the gate electrode and the silicide layer on the source and drain regions.

Regarding claims 31 and 37, the silicon gate electrode 306 is polysilicon.

Regarding claim 33, a source/drain silicide layer 320 is formed on the silicon germanium film 314 of the source and drain regions.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chau et al. (USPN 5,710,450 of record) in view of Fulford et al. (USPN 5,793,089 of record). as applied to claims 30, 31, 33 above, and further in view of Subbanna (USPN 5,338,698 of record).

Chau et al. in view of Fulford et al. as described above does not disclose an isolation region having a top surface positioned below the top surface of the silicon germanium film 314 of the source and drain regions. However, forming an isolation region having a top surface coplanar with the substrate surface is known in the art as disclosed by Subbanna. Subbanna discloses an isolation region 32 formed in a substrate having a top surface coplanar with the substrate surface. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Chau et al's structure by forming an isolation region including a top surface coplanar with the substrate surface as taught by Subbanna in order to provide an

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improved isolation region that can prevent current leakage past the isolation region to increase the effectiveness of the isolation region for electrically isolating adjacent active devices (field effect transistors) from each other. Since the top surface of the isolation region is coplanar with the substrate surface, the top surface of the isolation region is positioned below the top surface of the silicon germanium film 314 of the source and drain regions.

Regarding claim 35, the top surface of the isolation region is positioned below the silicide layer 320.

Response to Arguments

Applicant's arguments with respect to claims 30-31 and 33-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4108. The examiner can normally be reached on 8:30AM - 5:00PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (703) 308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

tt
July 30, 2003



Thien Tran
Patent Examiner
Technology Center 2800